

REMARKS

Claims 1-9, 11-35, and 64-71 are pending in the present application. Claim 33 has been amended to cancel the terms “stroke” and “restenosis.” The Applicants reserve the right to prosecute the canceled subject matter in continuing or divisional applications. Claims 1 and 33 has also been amended to correct typographical error in the terms “bicyclic,” “tricyclic,” and “ischemia.” No new matter has been added.

Rejection under 35 U.S.C. 112, first paragraph

Claim 33 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly non-enabling. While the Applicants do not necessarily agree, the terms “stroke” and restenosis” have been canceled from the claim. The rejection is considered moot.

Nonstatutory obviousness-type double patenting rejection

Claims 1-9, 11-35, and 64-71 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-11, 13-18, and 27-30 of U.S. 6,521,663. While the Applicants do not necessarily agree, a terminal disclaimer is submitted herewith in order to obviate the rejection such that the present application can proceed to allowance. The rejection is considered moot.

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In light of the present amendment and submission of a terminal disclaimer over U.S. 6,521,663, the Applicants assert that claims 1-9, 11-35, and 64-71 are in condition for allowance. An early Notice to that effect is, therefore, earnestly solicited.

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